EIGHTY-FOURTH GENERAL ASSEMBLY 2012 REGULAR SESSION DAILY SENATE CLIP SHEET

MAY 3, 2012

HOUSE FILE 2465

S-5238

- Amend the amendment, $\frac{S-5236}{2}$, to House File 2465, 2 as amended, passed, and reprinted by the House, as 3 follows:
- 4 1. Page 2, by striking lines 2 through 8.
- 5 2. By renumbering as necessary.

By BILL DIX

<u>S-5238</u> FILED MAY 1, 2012

HOUSE FILE 2465

s-5239

- Amend the amendment, S-5236, to House File 2465, 2 as amended, passed, and reprinted by the House, as 3 follows:
- 4 1. Page 11, after line 34 by inserting:
- 5 <Sec. ___. Section 598.41, subsection 3, Code 2011,
- 6 is amended by adding the following new paragraph:
- NEW PARAGRAPH. k. Whether a parent has allowed a person custody or control of, or unsupervised access
- 9 to a child after knowing the person is required to
- 10 register or is on the sex offender registry as a sex
- 11 offender under chapter 692A.>
- 12 2. By renumbering as necessary.

By JACK WHITVER WILLIAM DOTZLER

S-5239 FILED MAY 1, 2012 ADOPTED

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Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
     1. Page 2, by striking lines 2 through 8.
     2. Page 2, after line 10 by inserting:
     <Sec. . FEDERAL CONSENT DECREE EXPENDITURES -</pre>
 6
7 REPORTING.
     1. The office of the attorney general is authorized
9 to make expenditures of moneys received pursuant to
10 the joint state federal mortgage servicing settlement
11 consent decree signed in federal court on April 5,
12 2012. Expenditures shall be consistent with the terms
13 of the consent decree.
     2. The office of the attorney general shall
14
15 submit a report to the general assembly detailing the
16 expenditure of moneys for the previous calendar year
17 and how the expenditures related to the implementation,
18 monitoring, or enforcement of the settlement and how
19 expenditures in the current and succeeding calendar
20 year will be used for implementation, monitoring, or
21 enforcement of the settlement. The initial report
22 shall be submitted on or before January 15, 2013.>
     3. Page 3, after line 2 by inserting:
23
24
     <Sec. . HOMESTEAD CREDIT FUND - APPROPRIATION.</pre>
25
     1. There is appropriated from the taxpayers trust
26 fund created in section 8.57E to the department of
27 revenue for the fiscal year beginning July 1, 2012, and
28 ending June 30, 2013, the following amount, or so much
29 thereof as is necessary, to be used for the purposes
30 designated:
     For deposit in the homestead credit fund created in
32 section 425.1:
33 ..... $ 48,811,613
     2. The appropriation made in this section is in
35 lieu of an equal amount of the appropriation made
36 from the general fund of the state for the fiscal
37 year beginning July 1, 2012, and ending June 30,
38 2013, pursuant to section 425.1, and shall be used for
39 reimbursement for the homestead property tax.
     Sec. . AGRICULTURAL LAND CREDIT FUND -
41 APPROPRIATION.
42
     1. There is appropriated from the taxpayers trust
43 fund created in section 8.57E to the department of
44 revenue for the fiscal year beginning July 1, 2012, and
45 ending June 30, 2013, the following amount, or so much
46 thereof as is necessary, to be used for the purposes
47 designated:
48 For deposit in the agricultural land credit fund
49 created in section 426.1:
50 ..... $ 6,704,869
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Page
      2. The appropriation made in this section is in
2 lieu of an equal amount of the appropriation made
3 from the general fund of the state for the fiscal
4 year beginning July 1, 2012, and ending June 30,
5 2013, pursuant to section 426.1, and shall be used for
 6 reimbursement for the family farm and agricultural land
7 tax credits under sections 425A.1 and 426.1.>
      4. Page 3, before line 3 by inserting:
9
      <Sec. ___. KEEP IOWA BEAUTIFUL FUND -</pre>
10 APPROPRIATION. There is appropriated from the general
11 fund of the state to the department of transportation
12 each fiscal year for the fiscal years beginning July
13 1, 2012, July 1, 2013, and July 1, 2014, an amount
14 equal to the excess revenues transferred from the
15 lottery fund to the general fund after the first
16 $64,900,000 is transferred during a fiscal year. The
17 amount appropriated in a fiscal year shall not exceed
18 $1,000,000. Moneys appropriated pursuant to this
19 section shall be deposited in the keep Iowa beautiful
20 fund created in section 314.28.>
21
      5. Page 3, after line 2 by inserting:
22
      <Sec. . PLUMBERS - LICENSE EXTENSIONS. Until</pre>
23 January 1, 2013, the plumbing and mechanical systems
24 board shall grant a one-time renewal of an expired
25 license if the person holding the expired license
26 demonstrates successful passage of a municipal or block
27 examination. For any licensee receiving a renewal
28 under this section, the board shall clearly state in
29 any correspondence for succeeding license renewals that
30 the provisions of Code section 105.20 shall apply.>
      6. By striking page 3, line 42, through page 4,
32 line 2.
33
      7. Page 4, after line 4 by inserting:
34
      <Sec. . Section 16.27, subsection 6, Code 2011,
35 is amended to read as follows:
      6. The authority shall cause to be delivered to
37 the legislative fiscal committee within ninety days
38 of the close of its fiscal year its annual report
39 certified by an independent certified public accountant
40 (who may be the accountant or a member of the firm
41 of accountants who regularly audits the books and
42 accounts of the authority) selected by the authority.
43 In the event that the principal amount of any bonds or
44 notes deposited in a bond reserve fund is withdrawn
45 for payment of principal or interest thereby reducing
46 the amount of that fund to less than the bond reserve
47 fund requirement, the authority shall immediately
48 notify the general assembly of this event and shall
49 thereafter take steps to restore such bond reserve to
50 the bond reserve fund requirement for that fund from
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9 to read as follows:

Page 3 1 any amounts available, other than principal of a bond 2 issue, which are not pledged to the payment of other 3 bonds or notes.> 8. Page 9, by striking lines 5 through 24. 5 9. Page 9, after line 36 by inserting: <Sec. . Section 403.19, subsection 2, paragraph 7 b, subparagraph (2), subparagraph division (a), if

8 enacted by 2012 Iowa Acts, House File 2460, is amended

- 10 (a) All or a portion of the taxes for the 11 instructional support program levy of a school 12 district shall be paid by the school district to the 13 municipality if the auditor, pursuant to subsection 11, 14 certifies to the school district by July 1 the amount 15 of such levy that is necessary to pay the principal and 16 interest on bonds issued or other indebtedness incurred 17 by the municipality to finance an urban renewal project 18 if such bonds or indebtedness were issued or incurred 19 on or before April 24, 2012. Indebtedness incurred 20 after April 24, 2012, to refund bonds issued or other 21 indebtedness incurred on or before April 24, 2012, may 22 be included in the certification. Such school district 23 shall pay over the amount certified by November 1 and 24 May 1 of the fiscal year following certification to the 25 school district. The authority of a municipality to 26 pay the amounts of principal and interest on such bonds 27 issued or other indebtedness incurred on or before 28 April 24, 2012, from sources other than the portion of 29 taxes described in subsection 2, paragraph "a", shall 30 not exclude such amounts of principal and interest from 31 being deemed necessary for payment from the portion of 32 taxes described in subsection 2, paragraph "a".>
- 10. Page 10, by striking lines 9 and $\overline{10}$ and 34 inserting <income taxes directly to the individual. 35 The amount>
- 11. Page 10, line 23, by striking projects> and 37 inserting <tax credits reserved for a fiscal year>
- 38 12. Page 12, by striking lines 20 and 21.
 - 13. Page 12, after line 35 by inserting:
- 40 < . The section of this division of this Act 41 authorizing expenditures by the attorney general's 42 office.>
- 43 14. Page 23, after line 6 by inserting:
- 44
- 45 1. There is appropriated from the general fund of 46 the state to the department of workforce development 47 for the fiscal year beginning July 1, 2011, and ending 48 June 30, 2012, the following amounts, or so much 49 thereof as is necessary, to be used for the purposes 50 designated:

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39

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1 a. For support of a labor management council that
2 has been in existence for at least 20 years and is
3 located in a county with a population of more than
4 93,650 and less than 93,700:
5 .....$
                                                       23,000
6 b. For support of a labor management council that
7 has been in existence for at least 20 years and is
8 located in a county with a population of more than
9 165,200 and less than 165,250:
                                                      15,000
10 ...... $
11 2. Notwithstanding section 8.33, moneys
12 appropriated in this section that remain unencumbered
13 or unobligated at the close of the fiscal year shall
14 not revert but shall remain available for expenditure
15 for the purposes designated until the close of the
16 succeeding fiscal year.>
     15. Page 26, after line 46 by inserting:
17
     <y. One member who is an employee of the state
18
19 department of transportation serving in a law
20 enforcement capacity appointed by the director of
21 transportation.>
     16. Page 30, by striking lines 29 and 30 and
23 inserting <with the local assessor by February>
     17. Page 30, line 35, after <years> by inserting <,
25 in which case the exemption is allowed for the total
26 number of years in the exemption schedule>
27 18. By renumbering as necessary.
                           By ROBERT E. DVORSKY
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S-5240 FILED MAY 1, 2012 ADOPTED

HOUSE FILE 2465 S-5241 Amend the amendment, S-5236, to House File 2465, 2 as amended, passed, and reprinted by the House, as 3 follows: 1. Page 54, after line 23 by inserting: 5 <DIVISION AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS 6 7 Section 321.1, Code Supplement 2011, is 8 amended by adding the following new subsection: NEW SUBSECTION. 95. "Automated traffic law 10 enforcement system" means a device with one or more 11 sensors working in conjunction with one of the 12 following: 13 a. An official traffic-control signal, to produce 14 recorded images of motor vehicles entering an 15 intersection against a steady circular red light. b. A speed measuring device, to produce recorded 16 17 images of motor vehicles traveling at a prohibited rate 18 of speed. c. A railroad grade crossing signal light, as 20 described in section 321.342, to produce images of 21 vehicles violating the signal light. d. Any official traffic-control device, if failure 23 to comply with the official traffic-control device 24 constitutes a violation under this chapter. Sec. . NEW SECTION. 321.5A Automated traffic 26 law enforcement systems prohibited. The department or a local authority shall not place 28 or cause to be placed on or adjacent to a highway, or 29 maintain or employ the use of, an automated traffic law 30 enforcement system for the enforcement of any provision 31 of this chapter or any local ordinance relating to 32 motor vehicles. 33 Sec. . REMOVAL OF AUTOMATED TRAFFIC LAW

34 ENFORCEMENT SYSTEMS - VALIDITY OF PRIOR NOTICES 35 AND CITATIONS. On or before July 1, 2012, a local 36 authority using an automated traffic law enforcement 37 system shall discontinue using the system and remove 38 the system equipment. Effective July 1, 2012, all 39 local ordinances authorizing the use of an automated 40 traffic law enforcement system are void. However, 41 notices of violations mailed or citations issued 42 pursuant to such an ordinance prior to July 1, 2012, 43 shall not be invalidated by the enactment of this 44 division of this Act and shall be processed according 45 to the provisions of the law under which they were 46 authorized.

Sec. . EFFECTIVE UPON ENACTMENT. The section 47 48 of this division of this Act relating to the removal 49 of automated traffic law enforcement systems and the 50 validity of prior notices and citations, being deemed -1-

S-5241 Page 2 1 of immediate importance, takes effect upon enactment.>>

2. By renumbering as necessary.

By BRAD ZAUN JAMES F. HAHN MARK CHELGREN KENT SORENSON SANDRA H. GREINER PAT WARD

JACK WHITVER JAMES A. SEYMOUR ROBERT BACON NANCY J. BOETTGER DAVID JOHNSON JERRY BEHN

S-5241 FILED MAY 1, 2012 RULED OUT OF ORDER

HOUSE FILE 2465

S-5242

- 1 Amend the amendment, S-5236, to House File 2465, 2 as amended, passed, and reprinted by the House, as 3 follows:
- 1. Page 10, after line 2 by inserting:
- <Sec. ____. Section 421.60, subsection 2, paragraph 6 i, Code Supplement 2011, is amended to read as follows:
- i. (1) The director may, at any time, abate any 8 unpaid portion of assessed tax, interest, or penalties 9 which the director determines is erroneous, illegal, 10 or excessive.
- (2) The director may, at any time, abate any 12 unpaid portion of assessed interest upon a showing of 13 substantial evidence by the taxpayer of any of the 14 following conditions:
- 15 (a) The assessment of interest was due to 16 unreasonable delay by the department.
- 17 (b) The assessment of interest was due to an 18 erroneous refund that was not in any way caused by the 19 taxpayer.
- (c) The assessment of interest was due to 21 applicable, documented, written advice from the 22 department that was relied upon by the taxpayer,
- 23 which advice was provided specifically to the taxpayer
- 24 pursuant to a written request from the taxpayer,
- 25 and which advice has not been superseded by a court
- 26 decision, ruling by a quasi-judicial body, or the
- 27 adoption, amendment, or repeal of a rule of law.
- (d) The assessment of interest was due to 29 applicable, documented, written advice or position
- 30 by the department or another state agency that was
- 31 reasonably relied upon by the taxpayer, which advice or
- 32 position has not been superseded by a court decision, 33 ruling by a quasi-judicial body, or the adoption,
- 34 amendment, or repeal of a rule of law.
- 35 (3) The director shall prepare quarterly reports
- 36 summarizing each case in which abatement of tax, 37 interest, or penalties was made. However, the report
- 38 shall not disclose the identity of the taxpayer.>
- 39 2. By renumbering as necessary.

By BRAD ZAUN

S-5243

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Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
      1. Page 6, after line 37 by inserting:
      <Sec. . Section 123.49, subsection 2, paragraph
 6 d, Code Supplement 2011, is amended to read as follows:
      d. (1) Keep on premises covered by a liquor
 8 control license any alcoholic liquor in any container
9 except the original package purchased from the
10 division, and except mixed drinks or cocktails mixed on
11 the premises for immediate consumption on the licensed
12 premises or as otherwise provided by this paragraph
13 "d". This prohibition does not apply to common
14 carriers holding a class "D" liquor control license.
      (2) Mixed drinks or cocktails mixed on the premises
16 that are not for immediate consumption may be consumed
17 on the licensed premises subject to the requirements
18 of this subparagraph pursuant to rules adopted by the
19 division. The rules shall provide that the mixed
20 drinks or cocktails be stored, for no longer than
21 seventy-two hours, in a labeled container in a quantity
22 that does not exceed three gallons. The rules shall
23 also provide that added flavors and other nonbeverage
24 ingredients included in the mixed drinks or cocktails
25 shall not include hallucinogenic substances or added
26 caffeine or other added stimulants including but not
27 limited to guarana, ginseng, and taurine. In addition,
28 the rules shall require that the licensee keep records
29 as to when the contents in a particular container were
30 mixed and the recipe used for that mixture.>
      2. By renumbering as necessary.
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By RICK BERTRAND

S-5243 FILED MAY 1, 2012 ADOPTED

S-5244

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Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
      1. Page 10, after line 29 by inserting:
      <Sec. . Section 423.3, subsection 78, paragraph
 6 c, Code Supplement 2011, is amended to read as follows:
      c. This exemption does not apply to the sales price
 8 from games of skill, games of chance, raffles, and
 9 bingo games as defined in chapter 99B. However, this
10 exemption does apply to the sales price from raffles
11 as defined in chapter 99B conducted by a qualified
12 organization representing veterans that is exempt from
13 federal income tax under section 501(c)(19) of the
14 Internal Revenue Code if the profits from the sales
15 price are used for educational purposes to include
16 providing scholarships.
      d. This exemption is disallowed on the amount of
18 the sales price only to the extent the profits from the
19 sales, rental, or services are not used by or donated
20 to the appropriate entity and expended for educational,
21 religious, or charitable purposes.>>
22
      2. By renumbering as necessary.
By TIM KAPUCIAN
                                     KENT SORENSON
   ROBERT BACON
                                     RICK BERTRAND
                                     JAMES F. HAHN
   NANCY J. BOETTGER
   JAMES A. SEYMOUR
                                     JONI ERNST
   SANDRA H. GREINER
                                     BILL ANDERSON
   MARK CHELGREN
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S-5244 FILED MAY 1, 2012 LOST

HOUSE FILE 2465

S-5245

LOST

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Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
     1. Page 9, after line 24 by inserting:
     <Sec. . NEW SECTION. 306D.5 Scenic byway
6 designation - limitation within cities.
     Any portion of an interstate highway designated as a
8 scenic byway which is located within the incorporated
9 area of a city shall not be designated as part of
10 the scenic byway, except when such route within the
11 incorporated area possesses intrinsic scenic, historic,
12 recreational, cultural, or archeological features which
13 support designation of the route as a scenic byway, as
14 determined by the governing body of the city.>
     2. By renumbering as necessary.
15
                             By RICK BERTRAND
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BILL ANDERSON

S-5245 FILED MAY 1, 2012

S-5246

Amend the amendment, $\underline{S-5236}$, to House File 2465, 2 as amended, passed, and reprinted by the House, as 3 follows:

- 1. Page 9, after line 30 by inserting:
- Sec. . Section 321.105A, subsection 2,

6 paragraph c, Code Supplement 2011, is amended by adding 7 the following new subparagraph:

8 <u>NEW SUBPARAGRAPH</u>. (31) Motor vehicles subject to 9 registration which are held for sale by a motor vehicle 10 dealer in this state, subject to all of the following:

- 11 (a) The motor vehicles were new motor vehicles 12 at the time they were acquired by the motor vehicle 13 dealer.
- 14 (b) The motor vehicle dealer had a franchise 15 agreement with the manufacturer of the motor vehicles 16 at the time the motor vehicle dealer acquired the new 17 motor vehicles.
- 18 (c) After the motor vehicle dealer acquired the new 19 motor vehicles, the manufacturer of the motor vehicles 20 ceased to hold a valid manufacturer's license pursuant 21 to section 322.27 or discontinued the brand of motor 22 vehicles.
- 23 (d) Not more than one year has elapsed from 24 the time the manufacturer ceased to hold a valid 25 manufacturer's license pursuant to section 322.27 or 26 discontinued the brand of motor vehicles.>
- 27 2. Page 12, after line 24 by inserting:
- 28 < ___. The section of this division of this Act 29 enacting section 321.105A, subsection 2, paragraph c, 30 subparagraph (31).>
- 3. By renumbering as necessary.

By ROBERT BACON
TIM KAPUCIAN
MARK CHELGREN
SANDRA H. GREINER
PAT WARD
MERLIN BARTZ
NANCY J. BOETTGER
KENT SORENSON

JACK WHITVER
JAMES A. SEYMOUR
JONI ERNST
BILL ANDERSON
JAMES F. HAHN
ROBY SMITH
JERRY BEHN
DAVID JOHNSON

<u>S-5246</u> FILED MAY 1, 2012 WITHDRAWN

S-5247 Amend the amendment, S-5236, to House File 2465, 2 as amended, passed, and reprinted by the House, as 3 follows: 1. Page 3, after line 41 by inserting: <Sec. . 2012 Iowa Acts, Senate File 2289, 6 as enacted, is amended by adding the following new 7 section: Sec. ___. EFFECTIVE UPON ENACTMENT. This Act, 9 being deemed of immediate importance, takes effect upon 10 enactment.> 11 2. Page 12, after line 27 by inserting: 12 < . The section of this division of this Act 13 amending 2012 Iowa Acts, Senate File 2289.> 3. Page 12, after line 45 by inserting: <Sec. ___. RETROACTIVE APPLICABILITY. The</pre> 15 16 following provision or provisions of this division of 17 this Act apply retroactively to April 12, 2012: 18 1. The section of this division of this Act 19 amending 2012 Iowa Acts, Senate File 2289.> 20 4. By renumbering as necessary. By JONI ERNST ROBY SMITH BILL ANDERSON SANDRA H. GREINER STEVE KETTERING PAT WARD JAMES F. HAHN JAMES A. SEYMOUR RICK BERTRAND DAVID JOHNSON KENT SORENSON BRAD ZAUN

<u>S-5247</u> FILED MAY 1, 2012 ADOPTED

S-5248

5

15

Amend the amendment, S-5236, to House File 2465, 2 as amended, passed, and reprinted by the House, as 3 follows:

1. Page 54, after line 23 by inserting:

<DIVISION

6 DRIVER EDUCATION

7 Sec. ___. <u>NEW SECTION</u>. 321.178A Driver education 8 — teaching parent.

- 9 1. Teaching parent. As an alternative to the 10 driver education requirements under section 321.178, 11 a teaching parent may instruct a student in a driver 12 education course that meets the requirements of this 13 section and provide evidence that the requirements 14 under this section have been met.
 - 2. Definitions. For purposes of this section:
- a. "Approved course" means driver education
 curriculum approved by the department pursuant to rules
 adopted under chapter 17A. An approved course shall,
 at a minimum, meet the requirements of subsection 3
 and be appropriate for teaching-parent-directed driver
 education and related street or highway instruction.
 Driver education materials that meet or exceed
 standards established by the department for an approved
 course in driver education for a public or private
 school shall be approved unless otherwise determined by
 the department. The list of approved courses shall be
 posted on the department's internet site.
- 28 b. "Student" means a person between the ages of 29 fourteen and twenty-one years who is within the custody 30 and control of the teaching parent and who satisfies 31 preliminary licensing requirements of the department.
- "Teaching parent" means a parent, guardian, 33 or legal custodian of a student who is currently 34 providing competent private instruction to the student 35 pursuant to section 299A.2 or 299A.3 and who provided 36 such instruction to the student during the previous 37 year; who has a valid driver's license, other than a 38 motorized bicycle license or a temporary restricted 39 license, that permits unaccompanied driving; and who 40 has maintained a clear driving record for the previous 41 two years. For purposes of this paragraph, "clear 42 driving record" means the individual has not been 43 identified as a candidate for suspension of a driver's 44 license under the habitual offender provisions of the 45 department's regulations; is not subject to a driver's 46 license suspension, revocation, denial, cancellation, 47 disqualification, or bar; and has no record of a 48 conviction for a moving traffic violation determined to 49 be the cause of a motor vehicle accident.
- 50 3. Course of instruction.

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Page 2

- a. An approved course administered by a teaching 2 parent shall consist of but not be limited to the 3 following:
 - (1) Thirty clock hours of classroom instruction.
- (2) Forty hours of street or highway driving 6 including four hours of driving after sunset and before 7 sunrise while accompanied by the teaching parent.
- (3) Four hours of classroom instruction concerning 9 substance abuse.
- 10 (4) A minimum of twenty minutes of instruction 11 concerning railroad crossing safety.
- (5) Instruction relating to becoming an organ 13 donor under the revised uniform anatomical gift Act as 14 provided in chapter 142C.
- (6) Instruction providing an awareness about 16 sharing the road with bicycles and motorcycles.
- b. The content of the course of instruction 17 18 required under this subsection shall be equivalent 19 to that required under section 321.178. However, 20 reference and study materials, physical classroom 21 requirements, and extra vehicle safety equipment 22 required for instruction under section 321.178 shall 23 not be required for the course of instruction provided 24 under this section.
- 4. Course completion and certification. Upon 26 application by a student for an intermediate license, 27 the teaching parent shall provide evidence showing 28 the student's completion of an approved course and 29 substantial compliance with the requirements of 30 subsection 3 by affidavit signed by the teaching 31 parent on a form to be provided by the department. The 32 evidence shall include all of the following:
- a. Documentation that the instructor is a teaching 34 parent as defined in subsection 2.
- 35 b. Documentation that the student is receiving 36 competent private instruction under section 299A.2 37 or the name of the school district within which the 38 student is receiving instruction under section 299A.3.
- c. The name of the approved course completed by the 40 student.
- 41 d. An affidavit attesting to satisfactory 42 completion of course work and street or highway driving 43 instruction.
- e. Copies of written tests completed by the 45 student.
- f. A statement of the number of classroom hours of 47 instruction provided to the student.
- q. A log of completed street or highway driving 49 instruction including the dates when the lessons were 50 conducted, the student's and the teaching parent's name -2-

Page 3

1 and initials noted next to each entry, notes on driving 2 activities including a list of driving deficiencies and 3 improvements, and the duration of the driving time for 4 each session.

- 5. Intermediate license. Any student who 6 successfully completes an approved course as 7 provided in this section, passes a driving test to 8 be administered by the department, and is otherwise 9 qualified under section 321.180B, subsection 2, shall 10 be eligible for an intermediate license pursuant 11 to section 321.180B. Twenty of the forty hours of 12 street or highway driving instruction required under 13 subsection 3, paragraph "a", subparagraph (2), may 14 be utilized to satisfy the requirement of section 15 321.180B, subsection 2.
- 16 6. Full license. A student must comply with 17 section 321.180B, subsection 4, to be eligible for a 18 full driver's license pursuant to section 321.180B. 19 Sec. . Section 321.180B, subsection 2, paragraph
- 20 a, Code Supplement 2011, is amended to read as follows: a. The department may issue an intermediate 22 driver's license to a person sixteen or seventeen years 23 of age who possesses an instruction permit issued 24 under subsection 1 or a comparable instruction permit 25 issued by another state for a minimum of six months 26 immediately preceding application, and who presents an 27 affidavit signed by a parent, quardian, or custodian 28 on a form to be provided by the department that the 29 permittee has accumulated a total of twenty hours of 30 street or highway driving of which two hours were 31 conducted after sunset and before sunrise and the 32 street or highway driving was with the permittee's 33 parent, guardian, custodian, instructor, a person 34 certified by the department, or a person at least 35 twenty-five years of age who had written permission 36 from a parent, quardian, or custodian to accompany 37 the permittee, and whose driving privileges have not 38 been suspended, revoked, or barred under this chapter 39 or chapter 321J during, and who has been accident 41 period immediately preceding the application for an 42 intermediate license. An applicant for an intermediate
- 40 and violation free continuously for, the six-month

- 43 license must meet the requirements of section
- 44 321.186, including satisfactory completion of driver
- 45 education as required in section 321.178 or 321.178A,
- 46 and payment of the required license fee before an
- 47 intermediate license will be issued. A person issued
- 48 an intermediate license must limit the number of
- 49 passengers in the motor vehicle when the intermediate
- 50 licensee is operating the motor vehicle to the number

S-5248 Page 4 1 of passenger safety belts.>> 2 2. By renumbering as necessary. By NANCY J. BOETTGER JONI ERNST ROBERT BACON BILL ANDERSON TIM KAPUCIAN JAMES F. HAHN MARK CHELGREN RICK BERTRAND ROBY SMITH KENT SORENSON SANDRA H. GREINER BRAD ZAUN JERRY BEHN PAT WARD JACK WHITVER DAVID JOHNSON JAMES A. SEYMOUR

S-5248 FILED MAY 1, 2012 RULED OUT OF ORDER

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Amend the amendment, \underline{S-5236}, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
      1. Page 54, after line 23 by inserting:
5
                            <DIVISION
6
                          SCHOOL START DATE
7
                 Section 257.17, Code 2011, is amended to
8 read as follows:
9
      257.17 Aid reduction for early school starts.
10
      State aid payments made pursuant to section
11 257.16 for a fiscal year shall be reduced by one
12 one-hundred-eightieth for each day of that fiscal year
13 for which the school district begins school before the
14 earliest starting date specified in section 279.10,
15 subsection 1. However, this section does not apply
16 to a school district that has received approval from
17 the director of the department of education under
18 for a pilot program for an innovative school year in
19 accordance with section 279.10, subsection 4 3, or to
20 commence classes for regularly established elementary
21 and secondary schools in advance of the starting
22 earliest start date established in section 279.10,
\overline{\text{sub}} section 1.
      Sec. . Section 279.10, subsections 1 and 2, Code
25 2011, are amended to read as follows:
      1. The school year shall begin on the first day
27 of July and each regularly established elementary
28 and secondary school shall begin no sooner than a day
29 during the calendar week in which the first day fourth
30 Monday of September falls August, but no later than the
31 first Monday in December. However, if the first day
32 of September falls on a Sunday, school may begin on a
33 day during the calendar week which immediately precedes
34 the first day of September, unless the school district
35 has received approval from the department of education
36 for a pilot program for an innovative school year in
37 accordance with subsection 3. The earliest start date
38 specified in this section shall not apply to a school
39 district that maintains a year around three-semester
40 school year. School shall continue for at least one
41 hundred eighty days, except as provided in subsection
42 3, and may be maintained during the entire calendar
43 year. However, if the board of directors of a district
44 extends the school calendar because inclement weather
45 caused the district to temporarily close school during
46 the regular school calendar, the district may excuse
47 a graduating senior who has met district or school
48 requirements for graduation from attendance during the
49 extended school calendar. A school corporation may
50 begin employment of personnel for in-service training
S - 5249
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 1 and development purposes before the date to begin
 2 elementary and secondary school.
      2. The board of directors shall hold a public
 4 hearing on any proposal for a pilot program for an
 5 innovative school year prior to submitting it such a
 6 request to the department of education for approval
 7 pursuant to subsection 3.
 8 Sec. . Section 279.10, subsection 4, Code 2011,
 9 is amended by striking the subsection.
10 Sec. . EFFECTIVE DATE. This division of this
11 Act takes effect July 1, 2013.
12 Sec. . APPLICABILITY. This division of this Act
13 is applicable to school years beginning on or after
14 July 1, 2013.>
      2. By renumbering as necessary.
By DAVID JOHNSON
                                    WILLIAM DOTZLER
   TIM KAPUCIAN
                                    DICK L. DEARDEN
S-5249 FILED MAY 1, 2012
RULED OUT OF ORDER
                            HOUSE FILE 2465
S-5250
Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
     1. Page 10, after line 29 by inserting:
      <Sec. . Section 423.3, Code Supplement 2011, is
 6 amended by adding the following new subsection:
 7 NEW SUBSECTION. 96. The sales price for the use of
 8 a self-pay washer or dryer.>
     2. By renumbering as necessary.
                             By DAVID JOHNSON
S-5250 FILED MAY 1, 2012
LOST
                            HOUSE FILE 2465
 1 Amend the amendment, S-5236, to House File 2465,
 2 as amended, passed, and reprinted by the House, as
 3 follows:
      1. Page 7, after line 9 by inserting:
      <Sec. ___. NEW SECTION. 256G.5 Continued operation
 6 and maintenance.
     The board of regents and the university of northern
 7
 8 Iowa shall operate, maintain, staff, and fund the
 9 research and development school known as the Malcolm
10 Price laboratory school located on the campus of the
11 university of northern Iowa in accordance with this
12 chapter through July 1, 2013, unless otherwise extended
13 by statute.>
      2. By renumbering as necessary.
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By JEFF DANIELSON

<u>S-5251</u> FILED MAY 1, 2012 ADOPTED

47 deadly force.

S-5252

S-5252 Amend the amendment, S-5236, to House File 2465, 2 as amended, passed, and reprinted by the House, as 3 follows: 1. Page 54, after line 23 by inserting: 5 <DIVISION 6 USE OF FORCE 7 Section 704.1, Code 2011, is amended to 8 read as follows: 704.1 Reasonable force. 1. "Reasonable force" is means that force and no 10 11 more which a reasonable person, in like circumstances, 12 would judge to be necessary to prevent an injury or 13 loss and can include deadly force if it is reasonable 14 to believe that such force is necessary to avoid injury 15 or risk to one's life or safety or the life or safety 16 of another, or it is reasonable to believe that such 17 force is necessary to resist a like force or threat. 18 2. Reasonable force, including deadly force, may 19 be used even if an alternative course of action is 20 available if the alternative entails a risk to life 21 or safety, or the life or safety of a third party, or 22 requires one to abandon or retreat from one's dwelling 23 or place of business or employment. 3. A person may be wrong in the estimation of the 25 danger or the force necessary to repel the danger as 26 long as there is a reasonable basis for the belief 27 of the person and the person acts reasonably in the 28 response to that belief. 4. A person who is not engaged in illegal activity 30 has no duty to retreat from any place where the person 31 is lawfully present before using force as specified in 32 this chapter. A finder of fact shall not be permitted 33 to consider the possibility of retreat as a factor in 34 determining whether or not a person who used force 35 reasonably believed that the force was necessary to 36 prevent injury, loss, or risk to life or safety. Sec. . Section 704.2, Code 2011, is amended by 38 adding the following new unnumbered paragraph: NEW UNNUMBERED PARAGRAPH. A threat to cause serious 40 injury or death, by the production, display, or 41 brandishing of a deadly weapon, is not deadly force, 42 as long as the actions of the person are limited to 43 creating an expectation that the person may use deadly 44 force to defend oneself, another, or as otherwise 45 authorized by law. Sec. ___. NEW SECTION. 704.2A Justifiable use of 46

1. For purposes of this chapter, a person is 49 presumed to reasonably believe that deadly force is 50 necessary to avoid injury or risk to one's life or

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1 safety or the life or safety of another in either of 2 the following circumstances:

- 3 a. The person against whom force is used, at the 4 time the force is used, is doing any of the following:
- 5 (1) Unlawfully entering by force or stealth, or 6 has unlawfully entered by force or stealth and remains 7 within the dwelling, place of business or employment, 8 or occupied vehicle of the person using force.
- 9 (2) Unlawfully removing or is attempting to 10 unlawfully remove another person against the other 11 person's will from the dwelling, place of business or 12 employment, or occupied vehicle of the person using 13 force.
- 14 b. The person using force knows or has reason 15 to believe that any of the conditions set forth in 16 paragraph "a" are occurring or have occurred.
- 17 2. The presumption set forth in subsection 1 does 18 not apply if, at the time force is used, any of the 19 following circumstances are present:
- 20 a. The person using defensive force is engaged 21 in a criminal offense, is attempting to escape from 22 the scene of a criminal offense that the person has 23 committed, or is using the dwelling, place of business 24 or employment, or occupied vehicle to further a 25 criminal offense.
- 26 b. The person sought to be removed is a child or 27 grandchild or is otherwise in the lawful custody or 28 under the lawful guardianship of the person against 29 whom force is used.
- 30 c. The person against whom force is used is a 31 peace officer who has entered or is attempting to 32 enter a dwelling, place of business or employment, or 33 occupied vehicle in the lawful performance of the peace 34 officer's official duties, and the person using force 35 knows or reasonably should know that the person who has 36 entered or is attempting to enter is a peace officer.
- 37 d. The person against whom the force is used has 38 the right to be in, or is a lawful resident of, the 39 dwelling, place of business or employment, or occupied 40 vehicle of the person using force, and a protective or 41 no-contact order is not in effect against the person 42 against whom the force is used.
- Sec. ___. Section 704.3, Code 2011, is amended to 44 read as follows:
- 45 704.3 Defense of self or another.
- A person is justified in the use of reasonable force 47 when the person reasonably believes that such force is 48 necessary to defend oneself or another from any <u>actual</u> 49 <u>or</u> imminent use of unlawful force.
- 50 Sec. ___. <u>NEW SECTION</u>. 704.4A Immunity for s-5252

BRAD ZAUN

PAT WARD

TIM KAPUCIAN

S-5252 FILED MAY 1, 2012 RULED OUT OF ORDER

SANDRA H. GREINER

NANCY J. BOETTGER

JERRY BEHN

BILL ANDERSON

S-5253

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Amend the amendment, \frac{S-5236}{}, to House File 2465, 2 as amended, passed, and reprinted by the House, as 3 follows:
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- 1. Page 39, lines 18 through 26, by striking <The 5 state percent of growth for each subsequent budget year 6 shall be established by statute which shall be enacted 7 within thirty days of the submission in the year 8 preceding the base year of the governor's budget under 9 section 8.21. The establishment of the state percent 10 of growth for a budget year shall be the only subject 11 matter of the bill which enacts the state percent of 12 growth for a budget year. > and inserting < The state 13 percent of growth for each subsequent budget year shall 14 be established by statute which shall be enacted within 15 thirty days of the submission in the year preceding 16 the base year of the governor's budget under section 17 8.21. The establishment of the state percent of growth 18 for a budget year shall be the only subject matter of 19 the bill which enacts the state percent of growth for 20 a budget year.>
- 21 2. Page 39, lines 35 through 44, by striking <The 22 categorical state percent of growth for each budget 23 year shall be established by statute which shall 24 be enacted within thirty days of the submission in 25 the year preceding the base year of the governor's 26 budget under section 8.21. The establishment of 27 the categorical state percent of growth for a budget 28 year shall be the only subject matter of the bill 29 which enacts the categorical state percent of growth 30 for a budget year. > and inserting < The categorical 31 state percent of growth for each budget year shall be 32 established by statute which shall be enacted within 33 thirty days of the submission in the year preceding the 34 base year of the governor's budget under section 8.21. 35 The establishment of the categorical state percent of 36 growth for a budget year shall be the only subject 37 matter of the bill which enacts the categorical state 38 percent of growth for a budget year.>
 - 3. By renumbering as necessary.

By MARK CHELGREN

<u>S-5253</u> FILED MAY 1, 2012 LOST

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S-5254

Amend the amendment, S-5236, to House File 2465,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 52, after line 26 by inserting:
5 <Sec. ____. Section 162.2, subsection 27, Code 2011,
6 is amended to read as follows:
7 27. "Vertebrate animal" means those vertebrate
8 animals other than members of the equine, bovine,
9 caprine, ovine, and or porcine species, and ostriches,
10 rheas, or emus, farm deer as defined in section 170.1,
11 or poultry.>
12 2. By renumbering as necessary.

By DR. JOE M. SENG
ROBERT E. DVORSKY

<u>S-5254</u> FILED MAY 1, 2012 ADOPTED